

201 KAR 42:035. Application process, exam, and curriculum requirements.

RELATES TO: KRS 309.358, 309.359, 309.362, 309.363

STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board to administer and enforce the provisions of KRS 309.350 to 309.364 and to evaluate the qualifications of applicants for licensure. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364, including educational program curriculum. The board may issue a license to an applicant meeting the standards established in KRS 309.358 or 309.359. This administrative regulation establishes the application process and curriculum requirements for licensure.

Section 1. An applicant for licensure as a massage therapist shall:

- (1) File a completed, signed, and dated Application for Licensure as a Massage Therapist, and the required documentation with the board, meeting the requirements established in KRS 309.358;
- (2) Pay the application fee as established in 201 KAR 42:020; and
- (3) Affix a two (2) inch by two (2) inch or larger passport quality color photograph of the applicant to the application form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant.

Section 2. (1) To comply with KRS 309.358(4), an applicant shall submit to the board, upon application, an official transcript or certificate that:

- (a) Shows the completion of at least 600 classroom hours earned at a board approved massage therapy program; and
 - (b) Itemizes compliance with the clock hour requirements established in KRS 309.363(1).
- (2) Board approved massage therapy programs include only those programs holding a certificate of good standing issued pursuant to KRS 309.363.
- (3) A massage therapy school which has registered and obtained a school code assignment with the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) shall maintain good standing with the NCBTMB during the entire period the applicant attended the school. Suspension or revocation of the NCBTMB school code at any time during that period shall constitute grounds for:
- (a) Denial of an application for licensure by graduates of that school; and
 - (b) Revocation of a Certificate of Good Standing held by the massage therapy school.
- (4) A school's non-renewal of an NCBTMB code while in good standing shall not preclude an applicant from obtaining licensure.

Section 3. Examinations. (1) An applicant shall successfully pass an examination:

- (a) Listed in KRS 309.358(5); or
 - (b) Approved by the board pursuant to KRS 309.358(5) and listed in subsection (4) of this section.
- (2) An examination shall be approved by the board as meeting the standard established in KRS 309.358(5) if the board finds that the examination:
- (a) Has been scientifically constructed to be valid and objective;
 - (b) Reflects the curriculum content established in KRS 309.363(1);
 - (c) Has security procedures to protect the exam content; and
 - (d) Has clear application, reporting, and appeal procedures.
- (3) Approval of exams shall be noted in the board minutes and on the board Web site at

<http://bmt.ky.gov>.

(4) The following examinations have been approved by the board pursuant to KRS 309.358(5):

- (a) The Massage and Bodywork Licensing Examination (MBLEx) or other exam administered by the Federation of State Massage Therapy Boards;
- (b) The State of Ohio Massage Therapy Licensing Exam;
- (c) The State of New York Massage Therapy Licensing Exam; or
- (d) The National Board Certification Agency (NBCA) Massage Therapy Certification Exam, Level One.

Section 4. (1) An applicant with a criminal history, excluding minor traffic violations, shall be interviewed by the board's Application Committee prior to licensure to find if the applicant complies with the requirement for good moral character established in KRS 309.358(3) and 335B.040, and the interview shall be conducted pursuant to the board's authority under KRS 309.362(1)(b).

(2) All applicants shall submit a recent background check performed by the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date of submission of the application for licensure to the board.

Section 5. Appeals. (1) Upon initial review, the board shall make a preliminary determination with respect to an application. Preliminary determinations shall be non-final determinations until:

- (a) A final decision is rendered subsequent to an administrative hearing conducted pursuant to KRS Chapter 13B;
- (b) Settlement of the matter by informal proceedings is accomplished; or
- (c) The time for appeal under subsection (2) of this section has expired.

(2) An applicant may appeal a preliminary determination denying his or her licensure application by requesting a hearing in accordance with KRS 309.362(4). In order to request a hearing, the applicant shall file a notice of appeal in writing by certified mail that is received by the board within thirty (30) days of the date of the letter informing the applicant of the preliminary determination of denial.

Section 6. Incorporation by Reference. (1) The "Application for Licensure as a Massage Therapist", September 2015, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. (30 Ky.R. 2417; Am. 31 Ky.R. 31 eff. 8-6-2004; 33 Ky.R. 1883; 2934; eff. 4-6-2007; 37 Ky.R. 1013; 1697; 1990; eff. 3-4-2011; 38 Ky.R. 93; eff. 11-4-2011; 39 Ky.R. 1936; 2152; eff. 5-31-2013; 40 Ky.R. 2202; 41 Ky.R. 441; eff. 10-3-2014; 42 Ky.R. 1590; 2053; eff. 2-5-2016.)